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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:	)	
	)	Chapter 11
DELPHI CORPORATION, et al.,	)	
	)	Case No. 05-44481 (RDD)
Debtors.	)	Jointly Administered
	)	
	)	SCHRADER-BRIDGEPORT
	)	INTERNATIONAL, INC.'S
	)	OBJECTION TO DEBTORS'
	)	TWENTY FOURTH OMNIBUS
	)	OBJECTION TO CLAIM NO. 11284
	)	
	)	

Schrader-Bridgeport International, Inc. ("Schrader-Bridgeport"), by and through its attorneys, hereby submits the following response to the Twenty Fourth Omnibus Objection of Delphi Corporation and certain of its subsidiaries and affiliates (the "Debtors") to claim no. 11284 (the "Objection"). In support of its response, Schrader-Bridgeport states that it possesses an unsecured claim against the Debtors in the amount of \$114,112.12, as reflected in its proof of claim, filed July 27, 2006 (the "Proof of Claim"). Moreover, Schrader-Bridgeport states that the Debtors have failed to produce any evidence in support of their objection to Schrader-Bridgeport's Proof of Claim.

### **Substantiation of amount of claim 11284**

On July 27, 2006, Schrader-Bridgeport filed its Proof of Claim against debtor, Delphi Corporation, identified as claim no. 11284. Therein, Schrader-Bridgeport asserted a claim totaling \$114,112.12, unsecured. On December 21, 2007, the Debtors filed their Objection, requesting that the Court modify claim no. 11284 by reducing Schrader-Bridgeport's total claim to \$3,886.35 and modifying the case number from 05-44481, a claim against Delphi Corporation, to 05-44640, a claim against Delphi Automotive Systems, LLC.

The Debtors have offered no specific justification for their objection or any evidence to substantiate the proposed claim reduction, and yet seek to reduce Schrader-Bridgeport's claim by \$110,225.77.

### **The Objection fails for lack of evidence**

The Debtors objection must be denied for its failure to offer any evidence or justification for the proposed claim reduction.

11 U.S.C. § 502(a) states that a claim or interest, proof of which is filed under section 501 of title 11, is deemed allowed, unless party in interest objects. *11 U.S.C. § 502(a)*. However, Federal Rule of Civil Procedure 3001(f) provides that a proof of claim executed and filed in accordance with the bankruptcy rules shall constitute prima facie evidence of the validity and amount of the claim. *Fed. R. Bankr. Proc. 3001(f)*.

It is undisputed that, on July 27, 2006, Schrader-Bridgeport filed its Proof of Claim and supporting documents with the Court. Therein, Schrader-Bridgeport set forth the bases for its unsecured claim, totaling \$114,112.12, against the Debtors. Neither the timeliness, content, nor validity of the Proof of Claim, or the documents filed in support of the Proof of Claim, have been challenged by the Debtors.

In their December 21, 2007, Objection, the Debtors challenge Schrader-Bridgeport's claim by stating that the "liability with respect to [the claim] does not exceed the dollar amount set forth on Exhibit D-1." See *Twenty Fourth Omnibus Objection at 15*. However, the Debtors have failed to offer any evidence in support of this allegation. Because the Debtors have failed to offer any evidence to support their Objection in the face of Schrader-Bridgeport's claim, their Objection should be denied by the Court. Cf., *Lundell v. Anchor Constr. Specialists, Inc. (In re Lundell)*, 223 F.3d 1035, 1039 (9th Cir. Ariz. 2000) (Upon objection, a proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Therefore, to defeat a proof of claim the objecting party must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves.")

WHEREFORE, Schrader-Bridgeport respectfully requests that the Court deny the Objection to the Schrader-Bridgeport's claim no. 11284, and enter an order allowing Schrader-Bridgeport's unsecured claim in the amount of \$114,112.12.

Dated: January 18, 2008

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing response has been filed electronically this 18th day of January, 2008, with the U.S. Bankruptcy Court for the Southern District of New York. Notice of this filing will be sent via electronic mail to all parties who have entered an appearance by operation of the Court's electronic filing system. Additionally, copies of the foregoing were served via regular U.S. Mail, proper postage pre-paid, upon the following parties:

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